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NOTIFICATION.

No. LA. 4-1271/55. *19th November 1955.*

The following Bill together with the Statement of Objects and Reasons and the Financial Memorandum attached to it, is published as ordered by the Speaker under Rule 73 of the Rules of Procedure and Conduct of Business in the Travancore-Cochin Legislative Assembly.

Legislature Secretariat,
Trivandrum.

V. KRISHNAMOORTHI,
Secretary,
Legislative Assembly.

THE EDAVAGAI RIGHTS ACQUISITION BILL, 1955.

A Bill to provide for the acquisition or extinguishment of Edavagai rights.

Preamble. WHEREAS it is necessary, in the public interest, to acquire or extinguish all the Edavagai rights over the Edavagais of Edapally, Kilimanoor, Poonjar and Vanjipuzha, vested respectively in the Edapally Swaroopam, the Kilimanoor Kottaram, the Poonjar Koickal and the Vanjipuzha Matom;

BE IT ENACTED in the Sixth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.* (1) This Act may be called the Edavagai Rights Acquisition Act, 1955.

(2) It extends to the whole of the State of Travancore-Cochin.

(3) It shall come into force on the 1st day of January 1956.

2. *Definitions.* In this Act, unless the context otherwise requires—

(1) "Edavagai of Edapally" means the Edavagai Estate of Edapally Swaroopam comprising the freehold lands in the Edavagai villages of (a) Edapally North in Parur Taluk, (b) Edapally South in Parur Taluk, (c) Thrikunnapuzha in Karthigapally Taluk, (d) Kalloopara in Thiruvella Taluk, and (e) Vazhakulam in Kunnathunad Taluk, recognised as such in the Revenue accounts and not owned by Government;

(2) "Edavagai of Kilimanoor" means the Edavagai Estate of Kilimanoor Kottaram comprising the freehold lands in the Edavagai villages of (a) Pazhayakunnumel in Chirayinkil Taluk, and (b) Kilimanoor in Chirayinkil Taluk, recognised as such in the Revenue accounts and not owned by Government;

(3) "Edavagai of Poonjar" means the freehold lands of Poonjar Koickal in the Edavagai village of Poonjar in Meenachil Taluk, recognised as such in the Revenue accounts and not owned by Government;

(4) "Edavagai of Vanjipuzha" means the freehold lands of the Vanjipuzha Matom comprised in the Edavagai villages of (a) Cheruvally in Changanacherry Taluk, (b) Chirakkadavu in Changanacherry Taluk, and (c) Peruvanthanam in Peermade Taluk, recognised as such in the Revenue accounts and not owned by Government;

(5) "Edavagai rights" means all the rights and privileges vested in the Edapally Swaroopam, the Kilimanoor Kottaram, the Poonjar Koickal and the Vanjipuzha Matom relating to their respective Edavagais and includes in the case of the

Poonjar Koickal the right to receive Melvaram in respect of lands situate within the Edavagai of Poonjar;

(6) "Chief" in relation to the Edapally Swaroopam or the Kilimanoor Kottaram, or the Poonjar Koickal, or the Vanjipuzba Matom means the senior male member or other member of the respective families in whom the management of the family is vested in law for the time being.

3. *Acquisition or extinguishment of Edavagai rights:*—(1) On and from the commencement of this Act, the privileges of the Edapally Swaroopam and the Poonjar Koickal relating to Excise Revenues of the Edavagais of Edapally and Poonjar shall stand extinguished.

(2) All the Edavagai rights of the Edapally Swaroopam and the Poonjar Koickal other than those mentioned in sub-section (1) and all the Edavagai rights of the Kilimanoor Kottaram and the Vanjipuzha Matom over their respective Edavagais, and all rights, title and interests vested in the Chiefs, in respect of waste lands or thanathu lands which have been assigned by them on Kuthagapattom or other like demises, and all rights, title and interests vested in the Chiefs, in respect of waste lands or thanathu lands which have not been so assigned by them are hereby acquired by Government, and all such rights, title and interests shall vest in Government free of all encumbrances.

4. *Compensation.* (1) The compensation payable by the Government to the Edavagais for the extinguishment of their privileges mentioned in sub-section (1) of Section 3, shall be the amount as specified in the Schedule.

(2) The Compensation payable by the Government to the Edavagais for the acquisition of the rights, title and interests mentioned in Sub-section (2) of Section 3 shall be the amounts as specified in the Schedule, being 8 1/3 times the annual income of the respective Edavagais less five percent for collection charges.

5. *Compensation payable for the extinguishment of privileges.* (1) The amount of compensation specified in the Schedule as payable to the Edapally Swaroopam for the extinguishment of the privileges of the Swaroopam mentioned in sub-section (1) of Section 3 shall, subject to the provisions of sub-section (2), be retained by Government under a separate Head of Account, for a period of twenty years fixed from the commencement of this Act, and shall bear interest at the rate of four per cent. per annum thereon; The interest accruing under this sub-section shall be paid to the Chief in four equal quarterly instalments on the 1st day of every quarter of each financial year.

(2) The amount of compensation retained by Government under sub-section (1) shall be held by Government in trust for the private family deity (Ganapathy) of the Edapally Swaroopam, the said amount having been endowed by the Swaroopam for the benefit and maintenance of the said deity in accordance with the customary religious practices and ceremonies pertaining to the said deity:

Provided that, as soon as may be after the expiration of the period of twenty years referred to in sub-section (1), Government shall, in consultation with the Edapally Chief, invest the amount in securities authorised under the provisions of the Indian Trusts Act, 1882, in the name of the Edapally Swaroopam as trustee of the aforesaid family deity.

(3) The amount of compensation specified in the Schedule as payable to the Poonjar Koickal for the extinguishment of the privileges of the Koickal mentioned in sub-section (1) of Section 3 shall be paid to the Koickal in cash by Government.

6. *Compensation payable for the acquisition of Edavagai rights etc.* (1) The amount of compensation specified in the Schedule as payable to the Edapally Swaroopam for the acquisition of the rights of the Swaroopam and the rights, title and interests of the Chief mentioned in sub-section (2) of Section 3 shall be retained by Government under a separate Head of Account, for a period of twenty years fixed from the date of commencement of this Act, and shall bear interest at the rate of four per cent. per annum thereon; The interest accruing under this sub-section shall be paid to the Chief in four equal quarterly instalments on the 1st day of every quarter of each financial year.

(2) (*a*) Out of the amount of compensation specified in the Schedule as payable to the Kilimanoor Kottaram for the acquisition of the rights of the Kottaram and the rights, title and interests of the Chief mentioned in sub-section (2) of Section 3, a sum of Rs. 21,000 shall be held in trust by Government in perpetuity with the obligation to pay interest thereon at the rate of four per cent. per annum, on behalf of the Ayyappankavu, the Thevarappura, the Vettakarankavu, the Panakkattu Mathichankavu and the Valiakoickal Bhagavathi Devaswoms, which are under the management of the Kilimanoor Chief, the said amount having been endowed and dedicated by the Chief and the other members of the Kottaram for the benefit and maintenance of the aforesaid Devaswoms in accordance with the customary religious practices and ceremonies pertaining to those Devaswoms, and the interest accruing thereon shall be paid to the Chief in four equal quarterly instalments on the 1st day of every quarter of each financial year.

(*b*) The amount of compensation specified in the Schedule as payable to the Kilimanoor Kottaram after deducting the sum of Rs. 21,000 under clause (a) shall, in accordance with the desire

expressed by the Kilimanoor Chief and the other members of the Kottaram, be satisfied by Government by paying a cash annuity of Rs. 900 to the present Chief for his life-time, and a cash annuity of Rs. 168 to each of the other members of the Kottaram, as on the date of commencement of this Act, for the life-time of each such member. The said annuities for life shall be deemed to accrue from day to day, but shall be payable by Government in twelve equal instalments in each year.

Explanation.—Children in the womb of any female member of the Kottaram on the date of commencement of this Act, who are born alive, shall also be deemed to be members of the Kottaram, eligible for life annuities under this sub-section.

(3) (a) Out of the amount of compensation specified in the Schedule as payable to the Poonjar Koickal, for the acquisition of the rights of the Koickal and the rights, title and interests of the Chief mentioned in sub-section (2) of Section 3, a sum of Rs. 1,22,866-9-0 shall be retained by Government in perpetuity with the obligation to pay interest at the rate of four per cent. per annum thereon, and Government shall hold the said amount in trust for the Poonjar Sasthavu, the Kilikulamkavu, the Karuom Sasthavu, the Natakkal Bhagavathi, the Vadakkan Mankompu Bhagavathi, the Mathura Meenakshi, the Kallitamkavu Bhagavathi, the Kottaram Kshetram and the Ampukavu Bhagavathi Devaswoms, which are under the management of the Poonjar Chief, the said amount having been endowed by the Poonjar Koickal for the benefit and maintenance of the aforesaid Devaswoms in accordance with the customary religious practices and ceremonies pertaining to those Devaswoms, and the interest accruing thereon shall be paid to the Chief in four equal quarterly instalments on the 1st day of every quarter of each financial year.

(*b*) The amount of compensation specified in the Schedule as payable to the Poonjar Koickal, after deducting the sum of Rs. 1,22,866-9-0 under clause (*a*) shall, in accordance with the desire expressed by the Chief and the other members of the Koickal, be satisfied by Government by paying a cash annuity of Rs. 1,500 to the present Chief for his life-time, a cash annuity of Rs. 900 to the present eldest female member for her life-time, and a cash annuity of Rs. 360 to each of the other members of the Koickal, as on the date of commencement of this Act, for the life-time of each such member. The said annuities for life shall be deemed to accrue from day to day, but shall be payable by Government in twelve equal monthly instalments in each year.

Explanation.—Children in the womb of any female member of the Poonjar Koickal on the date of commencement of this Act, who are born alive, shall also be deemed to be members of the Koickal, eligible for life annuities under this sub-section.

(4) (*a*) Out of the amount of compensation specified in the Schedule as payable to the Vanjipuzha Matom, for the acquisition of the rights of the Matom and the rights, title and interests of the Chief mentioned in sub-section (2) of Section 3, a sum of Rs. 2,00,000 shall be retained by Government with the obligation to pay interest thereon at the rate of four per cent. per annum for discharging the debts of the Matom. A sum of Rs. 1,00,000 shall also be retained by Government with the obligation to pay interest thereon at the rate of four per cent. per annum, in trust for the maintenance and upkeep, in accordance with the customary religious practices and ceremonies, of the Cheruvally, Chirakkadavu and Peruvanthanam Devaswoms, which are under the management of the Matom, the said amount having been endowed by the Matom for the purpose aforesaid. The maintenance and upkeep of the said Devaswoms shall be entrusted to such agency as may be agreed upon between Government and the Chief and where no such agreement can be reached, Government shall be entitled to make necessary arrangements with the Travancore Devaswom Board for the maintenance and upkeep of the said Devaswoms.

(*b*) The amount of compensation specified in the Schedule as payable to the Vanjipuzha Matom, which remains after deducting the sum of Rs. 3,00,000 as specified in clause (a), shall, notwithstanding anything contained in the Travancore Malayala Brahmin Act, III of 1106 or any other law, custom or usage regarding partition among Malayala Brahmins, be payable in equal shares to the Chief, his mother, his wife and his four minor children.

(*c*) The share of compensation payable to the minors shall be retained by Government with the obligation to pay interest at the rate of four per cent. per annum thereon until it is repaid to the said four minors in equal shares as and when each such minor attains the age of majority, on his receipt.

(*d*) The interest payable by Government under clause (c) shall be paid to the guardian of the minors in four equal quarterly instalments, on the first day of every quarter of each financial year, on the receipt of the said guardian.

7. *Collection of arrears.* (1) Arrears of rent and other dues payable to the Edavagais at the commencement of this Act, shall be deemed to be "public revenue due on land" within the meaning of the Travancore-Cochin Revenue Recovery Act, 1951 (Act VII of 1951), and shall be recoverable by the Government under the provisions of the aforesaid Act, VII of 1951.

(2) The amounts collected by Government under sub-section (1) shall be paid over to the respective Chiefs after making the following deductions, namely:—

(*a*) five per cent. of the amounts collected towards collection charges;

(*b*) the security deposits made by the lessees and the employees, in the case of the Edavagais of Kilimanoor and Edapally; and

(c) the security deposits made by the lessees in the case of the Edavagai of Poonjar.

8. *Rights of registered land holders and other tenants:*—(1) On and from the first day of April 1956, every registered holding in an Edavagai shall be deemed to be a holding registered under Government, and every registered land holder thereof shall be deemed to be a registered holder and pattadar under Government, and the holding shall be liable to basic tax imposed by Government, from time to time, in lieu of the rent assessed thereon at the settlement of the Edavagai.

(2) Every tenant holding under the Chiefs waste land or thanathu land on Kuthagapattom or other like demises shall continue to hold such land under the same terms and conditions and subject to the same rights and liabilities as heretofore.

9. *Power to notify names of members and amount of Annuity.* As soon as may be after the commencement of this Act, Government shall, by notification in the Gazette, specify the names of the members of the Kilimanoor Kottaram and the Poonjar Koickal, who are entitled to life annuities under Section 6 and the annuity which each of them is respectively entitled to receive from Government.

10. *Expenditure to be charged on the Consolidated Fund of the State.* The expenditure to be incurred by Government, from time to time, under this Act, shall be expenditure charged on the Consolidated Fund of the State of Travancore-Cochin, within the meaning of Article 202 (3) (f) of the Constitution of India, read with Article 238 thereof.

11. *Savings.*—(1) The provisions of this Act shall not apply to—

(a) lands owned by Devaswoms which are under the management of the Edapally Chief or the Kilimanoor Chief or lands held by the Chiefs or their families or any member thereof as a Jenmi or as a pattadar under Government; or

(b) lands already settled and assessed in the name of the Edapally Swaroopam, the Kilimanoor Kottaram, the Poonjar Koickal, or the Vanjipuzha Matom; or

(c) lands in the direct possession of the Chiefs of the Edavagais or of the Edapally Swaroopam, the Kilimanoor Kottaram, the Poonjar Koickal, or the Vanjipuzha Matom, or of any of the members thereof,

though such lands may be situate within the respective Edavagais.

(2) The lands falling under sub-section (1) shall be liable, on the commencement of this Act, to basic tax imposed by Government, from time to time.

12. *Power to make rules.* Government may make rules for prescribing the form of certificate to be issued to the annuity holders, entitling them to draw the annuities from Government, and for such other matters as may be necessary for giving effect to the provisions of this Act.

13. *Repeal.* Act IV of 1068 and the Travancore Edavagai Act, III of 1109 are hereby repealed:

Provided that such repeal shall not—

(*a*) revive anything not in force or existing at the time at which the repeal takes effect, or

(*b*) affect the previous operation of the enactments so repealed or anything duly done or suffered thereunder, or

(c) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability under the enactments so repealed and any such investigation, legal proceeding or remedy may be instituted, continued or enforced as if the said enactments had not been repealed.

THE SCHEDULE

(*See Section 4*)

		Rupees.
1.	(a) Compensation to the Edapally Swaroopam for the extinguishment of the privileges mentioned in sub-section (1) of Section 3.	2,20,000
	(b) Compensation to the Edapally Swaroopam for the acquisition of the rights, title and interests mentioned in sub-section (2) of Section 3.	5,25,000
2.	(a) Compensation to the Poonjar Koickal for the extinguishment of the privileges mentioned in sub-section (1) of Section 3.	150
	(b) Compensation to the Poonjar Koickal for the acquisition of the rights, title and interests mentioned in sub-section (2) of Section 3.	5,47,714-9-0
3.	Compensation to the Kilimanoor Kottaram for the acquisition of the rights, title and interests mentioned in sub-section (2) of Section 3.	2,56,475
4.	Compensation to the Vanjipuzha Matom for the acquisition of the rights, title and interests mentioned in sub-section (2) of Section 3.	4,16,358

STATEMENTS OF OBJECTS AND REASONS.

The Edavagai Chiefs in the State are enjoying in respect of their Edavagais certain rights and privileges, which are peculiar. The Edavagais are exempt from payment of land tax to the State. The Edavagais of Edapally and Poonjar also have the right to excise revenue in respect of their Edavagais. Further, the Edavagai tenants have to pay rent in the nature of tax to the respective Edavagais and are exempt from payment to the State of any land tax. Under the Land Tax Act, 1955, the State Government is competent to levy a basic tax in respect of all lands in the State. It is necessary to bring about uniformity of taxation in the State and to place the mode of assessment of land tax on sound rational principles and on an even level, without at the same time subjecting the Edavagai tenants to the payment of basic tax to the Government, besides rent in the nature of tax they were paying to the Chief. It is, therefore, considered necessary to extinguish the rights and privileges of the Chiefs in respect of their Edavagais and to impose basic tax on Edavagai lands in order to place the Edavagai tenants on the same footing as registered holders and pattadars of land under Government. The tenant shall be liable to pay to the Government only basic tax in lieu of the rent payable to the Chief. In order to achieve the above objects, it is proposed to acquire the Edavagai rights on payment of compensation.

The Edavagai lands have been settled on the same principles as were applicable to the settlement of Government lands. While the pattadars under Government pay to the Government, settlement tax, the Edavagai tenants pay to the Chiefs the settled rent. Upon the introduction of the basic tax system, the pattadars under Government became liable to basic tax, while the Edavagai tenants continued to pay the settled rent. Ever since the introduction of basic tax, there has been a demand from the Edavagai tenants to extend the system to Edavagai lands also. This question was engaging the attention of the Government for some time past; After mature consideration it was decided to extend the basic tax system to Edavagai lands also and for that purpose to acquire or extinguish the Edavagai rights of the Chiefs. When the Edavagai rights are acquired, reasonable compensation has to be paid. It is proposed to fix the compensation at 8 1|3 times the annual rent and melvaram they were receiving less 5 per cent. for collection charges. The amounts of compensation so worked out have been agreed to by the Chiefs and the other members of their respective families. The Chiefs and the other members of the Kilimanoor Kottaram and the Poonjar Koickâl have requested Government that the amounts of compensation due to them in respect of the acquisition of their Edavagai rights may be paid to them in the shape of annuities to the existing members, each such annuity terminating on the death of the member. It is found that the amounts of compensation would warrant the payment of annuities on the following scale and leave over a slight balance.

Kilimanoor Kottaram	*Annuity for life time.*
Present Chief ..	Rs. 900
Each member ..	Rs. 168

Poonjar Koickal.

Present Chief ..	Rs. 1,500
Present eldest female member	Rs. 900
Each member ..	Rs. 360

The balance left over is Rs. 21,000 in the case of Kilimanoor and Rs. 1,22,866-9-0 in the case of Poonjar. These amounts are being endowed by them for the maintenance and upkeep of their Devaswoms. In the case of Edapally, the compensation payable for the acquisition of the Edavagai rights is to be retained by Government for a period of twenty years with the liability to pay interest at 4 per cent. per annum as agreed to by them. Out of the compensation payable to the Vanjipuzha Matom for the acquisition of the Edavagai rights, a sum of Rs. 2,00,000 has been agreed to be reserved with Government towards the discharge of their liabilities and a further sum of Rs. 1,00,000 for making arrangements for the maintenance and upkeep of their Devaswoms. The balance is payable in cash.

Besides the exemption from liability to pay land tax; the Edavagais of Edapally and Poonjar are also enjoying certain privileges in regard to excise revenues collected from the Edavagais. The Government are paying annually to the Edavagais of Edapally and Poonjar a portion of the excise revenue collections from those Edavagais. It is considered necessary to extinguish this privilege as such a claim on the revenues of the State can no longer be recognised. It is, therefore, proposed to extinguish this privilege on payment of compensation. The compensation payable on this account is also fixed on the basis of mutual agreement between the Government and the Edavagais. It is fixed at Rs. 2,20,000, in the case of Edapally and at Rs. 150, in the case of Poonjar.

The Bill seeks to provide for (i) the acquisition or extinguishment of all the Edavagai rights and privileges, (ii) for the payment of compensation in the manner and to the extent indicated above, (iii) for the imposition of basic tax on Edavagai lands and (iv) for the raising of the status of Edavagai tenants to the same level as pattadars and holders of lands under Government.

A. J. JOHN.

FINANCIAL MEMORANDUM.

Clause 4 of the Bill lays down that the compensation payable by the Government to the Edavagais for the extinguishment of their privileges relating to excise revenues and for the acquisition of the Edavagai rights shall be the amounts as specified in the Schedule. The aggregate amount of compensation as specified in the schedule works up to Rs. 19,65,697-9-0. Clauses 5 and 6 of the Bill lay down the mode of payment of compensation. Out of the amount of compensation specified in the Schedule as payable to the Vanjipuzha Matom, Rs. 2,00,000 is reserved with Government for discharging the debts of the Matom with an obligation to pay interest at 4 per cent per annum. Rs. 1,00,000 is an endowment made for the upkeep and maintenance of the Devaswoms. The balance of Rs. 1,16,358 is payable immediately in cash, the share of compensation due to the four minors having however been reserved with the Government till the minors attain the age of majority. The amount of compensation specified in the Schedule as payable to the Edapally Swaroopam for the extinguishment of the privileges relating to excise revenues and for the acquisition of the Edavagai rights works up to Rs. 7,45,000. Out of this Rs. 2,20,000 relate to compensation for excise revenues and the balance in regard to compensation for Edavagai rights. The entire amount is reserved with the Government for a period of 20 years with the obligation to pay interest at 4 per cent per annum. In this case the interest alone is now payable. The recurring annual payment now made to Edapally towards excise revenues which comes to more than One lakh of Rupees will be stopped also in future. The amount of compensation specified in the Schedule as payable to the Poonjar Koickal works up to Rs. 5,47,714-9-0. Out of this amount a sum of Rs. 1,22,866-9-0 is reserved as an endowment in prepetuity in favour of the Devaswoms for which Government will have to pay interest at four per cent per annum. The rest of the amount is also to be retained by the Government in perpetuity with a liability to pay a cash annuity to the Chief and the other existing members for life. The amount of compensation specified in the Schedule as payable to the Kilimanoor Kottaram comes to Rs. 2,56,475. Out of this amout Rs. 21,000 is reserved as an endowment in perpetuity in favour of the Devaswoms for which Government will have to pay interest at 4 per cent per annum. The rest of the amount is retained by Government in perpetuity with a liability to pay annuities to the Chief and the other members of the Kottaram for life. The annual payment by way of interest comes to Rs. 47,555 and the annual payment by way of annuities comes to Rs. 90,036 making a total of Rs. 1,37,591. It is anticipated that by levying basic tax at the rate of One Rupee and Nine Annas per acre on 121915 acres of Edavagai

lands, Government will be getting an annual revenue of Rs. 1,90,492. Out of this revenue a sum not exceeding Rs. 50,000 may have to be met for collection charges and the net revenue is estimated at Rs. 1,40,492. It will be seen that as against the total annual liability of Rs. 1,37,591, Government will get every year, a net income of Rs. 1,40,492 by way of basic tax. The liability on account of life annuities will decrease, year after year and will be reduced to 50% within ten years since several of the annuity holders might cease to exist by that period. Interest at 4 per cent per annum payable on Rs. 2,00,000 retained by Government for discharging the debts of the Vanjipuzha Matom will cease to be payable when the debts are actually discharged.

A. J. John.

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